

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1083

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

9 **SECTION 1.** (1) This section shall be known and may be cited
10 as the "Mississippi School Safety Act."

11 (2) For purposes of this section:

12 (a) "School" means any public or private educational
13 institution within the State of Mississippi and includes any
14 elementary or secondary school and any junior college, community
15 college, college or university.

16 (b) "Governing body" means with respect to any public
17 school district or public charter school, the local school board
18 or charter school board, as applicable; with respect to any



19 private school, the board or other governing body of the private
20 school as provided in the charter, bylaws or other governing
21 documents of the school; with respect to any junior college or
22 community college, the Mississippi Community College Board; with
23 respect to any public college or university, the Board of Trustees
24 of State Institutions of Higher Learning.

25 (3) The governing body of a school, in consultation with
26 school administrators and local law enforcement, may establish a
27 school safety program by which designated and trained school
28 employees are authorized to carry concealed firearms for the
29 protection of the students, employees and others on the campus of
30 the school. The scope and purpose of a school safety program
31 include resisting any unlawful attempt to commit a violent felony
32 listed in Section 97-3-2(1) upon students, employees or visitors
33 on the school campus or in the immediate vicinity of the school
34 campus. A designated member of the school safety program is
35 immune from civil liability for any action taken by the member of
36 the school safety program if the action in question occurs during
37 the reasonable exercise of and within the course and scope of the
38 designated member's official duties as a member of the school
39 safety program.

40 (4) To be eligible for the immunity provided in this
41 section:

42 (a) The school safety program at a minimum must require
43 that each designated member of the program who is not a law



44 enforcement officer as defined in 45-6-3 possesses a firearms
45 permit issued under Section 45-9-101; has completed an
46 instructional course in the safe handling and use of firearms as
47 described in Section 97-37-7; and has completed instructional
48 training through a certified school-safety training program
49 approved by the Mississippi Department of Public Safety
50 ("Department") as described in subsection (5) of this section not
51 less than once every twenty-four (24) months; and

52 (b) The identities of the persons designated by the
53 school's governing body to serve as a member of the school safety
54 program must be documented at the time of the designation, and
55 shall be communicated to school administrators and local law
56 enforcement.

57 (5) The Department shall establish a process to enable
58 Mississippi firearm instructors who are approved by the Department
59 to offer an instructional course in the safe handling and use of
60 firearms under Section 97-37-7(2) to obtain an additional
61 School-Safety Training Certification.

62 (a) The School-Safety Training Certification process
63 must include an instructional course that provides training in
64 each of the following subjects:

65 (i) The protection of students on a school campus;

66 (ii) Interaction of license holders with first
67 responders;



68 (iii) Tactics for denying an intruder entry into a
69 classroom or school facility; and

70 (iv) Methods for increasing a license holder's
71 accuracy use of a handgun while under duress.

72 (b) A School-Safety Training Certification course
73 authorized under this subsection (5) must include not less than
74 twelve (12) hours of instruction.

75 (c) A qualified firearm instructor certified in school
76 safety under this section may provide school-safety training to
77 any employee of a school or school district who holds a license to
78 carry a concealed handgun issued under Section 45-9-101 and who
79 has completed an instructional course in the safe handling and use
80 of firearms as described in Section 97-37-7.

81 (d) The Department may establish a fee in an amount
82 that is sufficient to cover the costs of the School-Safety
83 Training Certification under this section.

84 (e) The Department may adopt rules to administer this
85 section including a method to identify license holders who have
86 completed a School-Safety Training Certification course.

87 (6) A person who is indicted or charged with a violation of
88 criminal law while acting as a member of a school-safety program
89 may assert as a defense, in addition to any other defense
90 available, that at the time of the action in question, the person
91 was a member of an approved school-safety program, was then
92 actually engaged in the performance of the person's duties as a



93 member of the program, and had met the requirements of this
94 section at the time of the action in question.

95 **SECTION 2.** Section 97-37-7, Mississippi Code of 1972, is
96 amended as follows:

97 97-37-7. (1) (a) It shall not be a violation of Section
98 97-37-1 or any other statute for pistols, firearms or other
99 suitable and appropriate weapons to be carried by duly constituted
100 bank guards, company guards, watchmen, railroad special agents or
101 duly authorized representatives who are not sworn law enforcement
102 officers, agents or employees of a patrol service, guard service,
103 or a company engaged in the business of transporting money,
104 securities or other valuables, while actually engaged in the
105 performance of their duties as such, provided that such persons
106 have made a written application and paid a nonrefundable permit
107 fee of One Hundred Dollars (\$100.00) to the Department of Public
108 Safety.

109 (b) No permit shall be issued to any person who has
110 ever been convicted of a felony under the laws of this or any
111 other state or of the United States. To determine an applicant's
112 eligibility for a permit, the person shall be fingerprinted. If
113 no disqualifying record is identified at the state level, the
114 fingerprints shall be forwarded by the Department of Public Safety
115 to the Federal Bureau of Investigation for a national criminal
116 history record check. The department shall charge a fee which
117 includes the amounts required by the Federal Bureau of



118 Investigation and the department for the national and state
119 criminal history record checks and any necessary costs incurred by
120 the department for the handling and administration of the criminal
121 history background checks. In the event a legible set of
122 fingerprints, as determined by the Department of Public Safety and
123 the Federal Bureau of Investigation, cannot be obtained after a
124 minimum of three (3) attempts, the Department of Public Safety
125 shall determine eligibility based upon a name check by the
126 Mississippi Highway Safety Patrol and a Federal Bureau of
127 Investigation name check conducted by the Mississippi Highway
128 Safety Patrol at the request of the Department of Public Safety.

129 (c) A person may obtain a duplicate of a lost or
130 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
131 replacement fee to the Department of Public Safety, if he
132 furnishes a notarized statement to the department that the permit
133 has been lost or destroyed.

134 (d) (i) No less than ninety (90) days prior to the
135 expiration date of a permit, the Department of Public Safety shall
136 mail to the permit holder written notice of expiration together
137 with the renewal form prescribed by the department. The permit
138 holder shall renew the permit on or before the expiration date by
139 filing with the department the renewal form, a notarized affidavit
140 stating that the permit holder remains qualified, and the renewal
141 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
142 officers shall be exempt from payment of the renewal fee. A



143 permit holder who fails to file a renewal application on or before
144 its expiration date shall pay a late fee of Fifteen Dollars
145 (\$15.00).

146 (ii) Renewal of the permit shall be required every
147 four (4) years. The permit of a qualified renewal applicant shall
148 be renewed upon receipt of the completed renewal application and
149 appropriate payment of fees.

150 (iii) A permit cannot be renewed six (6) months or
151 more after its expiration date, and such permit shall be deemed to
152 be permanently expired; the holder may reapply for an original
153 permit as provided in this section.

154 (2) It shall not be a violation of this or any other statute
155 for pistols, firearms or other suitable and appropriate weapons to
156 be carried by Department of Wildlife, Fisheries and Parks law
157 enforcement officers, railroad special agents who are sworn law
158 enforcement officers, investigators employed by the Attorney
159 General, criminal investigators employed by the district
160 attorneys, all prosecutors, public defenders, investigators or
161 probation officers employed by the Department of Corrections,
162 employees of the State Auditor who are authorized by the State
163 Auditor to perform investigative functions, or any deputy fire
164 marshal or investigator employed by the State Fire Marshal, while
165 engaged in the performance of their duties as such, or by fraud
166 investigators with the Department of Human Services, or by judges
167 of the Mississippi Supreme Court, Court of Appeals, circuit,



168 chancery, county, justice and municipal courts, or by coroners.
169 Before any person shall be authorized under this subsection to
170 carry a weapon, he shall complete a weapons training course
171 approved by the Board of Law Enforcement Officer Standards and
172 Training. Before any criminal investigator employed by a district
173 attorney shall be authorized under this section to carry a pistol,
174 firearm or other weapon, he shall have complied with Section
175 45-6-11 or any training program required for employment as an
176 agent of the Federal Bureau of Investigation. A law enforcement
177 officer, as defined in Section 45-6-3, shall be authorized to
178 carry weapons in courthouses in performance of his official
179 duties. A person licensed under Section 45-9-101 to carry a
180 concealed pistol, who (a) has voluntarily completed an
181 instructional course in the safe handling and use of firearms
182 offered by an instructor certified by a nationally recognized
183 organization that customarily offers firearms training, or by any
184 other organization approved by the Department of Public Safety,
185 (b) is a member or veteran of any active or reserve component
186 branch of the United States of America Armed Forces having
187 completed law enforcement or combat training with pistols or other
188 handguns as recognized by such branch after submitting an
189 affidavit attesting to have read, understand and agree to comply
190 with all provisions of the enhanced carry law, or (c) is an
191 honorably retired law enforcement officer or honorably retired
192 member or veteran of any active or reserve component branch of the



193 United States of America Armed Forces having completed law
194 enforcement or combat training with pistols or other handguns,
195 after submitting an affidavit attesting to have read, understand
196 and agree to comply with all provisions of Mississippi enhanced
197 carry law shall also be authorized to carry weapons in courthouses
198 except in courtrooms during a judicial proceeding, and any
199 location listed in subsection (13) of Section 45-9-101, except any
200 place of nuisance as defined in Section 95-3-1, any police,
201 sheriff or highway patrol station * * * ~~or~~, any detention
202 facility, prison or jail or any school, college or professional
203 athletic event not related to firearms. For the purposes of this
204 subsection (2), component branch of the United States Armed Forces
205 includes the Army, Navy, Air Force, Coast Guard or Marine Corps,
206 or the Army National Guard, the Army National Guard of the United
207 States, the Air National Guard or the Air National Guard of the
208 United States, as those terms are defined in Section 101, Title
209 10, United States Code, and any other reserve component of the
210 United States Armed Forces enumerated in Section 10101, Title 10,
211 United States Code. The department shall promulgate rules and
212 regulations allowing concealed pistol permit holders to obtain an
213 endorsement on their permit indicating that they have completed
214 the aforementioned course and have the authority to carry in these
215 locations. This section shall in no way interfere with the right
216 of a trial judge to restrict the carrying of firearms in the
217 courtroom.



218 (3) It shall not be a violation of this or any other statute
219 for pistols, firearms or other suitable and appropriate weapons,
220 to be carried by any out-of-state, full-time commissioned law
221 enforcement officer who holds a valid commission card from the
222 appropriate out-of-state law enforcement agency and a photo
223 identification. The provisions of this subsection shall only
224 apply if the state where the out-of-state officer is employed has
225 entered into a reciprocity agreement with the state that allows
226 full-time commissioned law enforcement officers in Mississippi to
227 lawfully carry or possess a weapon in such other states. The
228 Commissioner of Public Safety is authorized to enter into
229 reciprocal agreements with other states to carry out the
230 provisions of this subsection.

231 (4) (a) A person licensed to carry a concealed pistol or
232 revolver who has received an instructor-certified endorsement
233 under Section 97-37-7, who is adversely affected by a rule,
234 regulation, policy, or posted written notice adopted by an agency,
235 entity, or person in violation of this section may file suit for
236 declarative and injunctive relief against the agency, entity, or
237 person in the circuit court having jurisdiction over the location
238 where the concealed-carry restriction occurs.

239 (b) Before instituting suit under this subsection, the
240 party adversely affected by the rule, regulation, policy, or
241 posted written notice shall notify the Attorney General in writing
242 of the violation and include evidence of the violation. The



243 Attorney General shall, within thirty (30) days, investigate
244 whether the agency, entity, or person adopted a rule, regulation,
245 policy, or posted written notice in violation of this section and
246 provide the appropriate authority notice of his findings,
247 including, if applicable, a description of the violation and
248 specific language of the rule, regulation, policy, or posted
249 written notice found to be in violation. The agency, entity, or
250 person shall have thirty (30) days from receipt of that notice to
251 cure the violation. If the agency, entity, or person fails to
252 cure the violation within that thirty-day time period, a suit
253 under paragraph (a) of this subsection may proceed. The findings
254 of the Attorney General shall constitute a "public record" as
255 defined by the Mississippi Public Records Act of 1983, Section
256 25-61-1 et seq.

257 (c) If the circuit court finds that an agency, entity,
258 or person adopted a rule, regulation, policy, or posted written
259 notice in violation of this section and failed to cure that
260 violation in accordance with paragraph (b) of this subsection, the
261 circuit court shall issue a permanent injunction against the
262 agency, entity, or person prohibiting the enforcement of the rule,
263 regulation, policy, or posted written notice.

264 **SECTION 3.** Section 45-9-101, Mississippi Code of 1972, is
265 amended as follows:

266 45-9-101. (1) (a) Except as otherwise provided, the
267 Department of Public Safety is authorized to issue licenses to



268 carry stun guns, concealed pistols or revolvers to persons
269 qualified as provided in this section. Such licenses shall be
270 valid throughout the state for a period of five (5) years from the
271 date of issuance. Any person possessing a valid license issued
272 pursuant to this section may carry a stun gun, concealed pistol or
273 concealed revolver.

274 (b) The licensee must carry the license, together with
275 valid identification, at all times in which the licensee is
276 carrying a stun gun, concealed pistol or revolver and must display
277 both the license and proper identification upon demand by a law
278 enforcement officer. A violation of the provisions of this
279 paragraph (b) shall constitute a noncriminal violation with a
280 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
281 by summons.

282 (2) The Department of Public Safety shall issue a license if
283 the applicant:

284 (a) Is a resident of the state. However, this
285 residency requirement may be waived if the applicant possesses a
286 valid permit from another state, is active military personnel
287 stationed in Mississippi, or is a retired law enforcement officer
288 establishing residency in the state;

289 (b) (i) Is twenty-one (21) years of age or older; or
290 (ii) Is at least eighteen (18) years of age but
291 not yet twenty-one (21) years of age and the applicant:



292 1. Is a member or veteran of the United
293 States Armed Forces, including National Guard or Reserve; and
294 2. Holds a valid Mississippi driver's license
295 or identification card issued by the Department of Public Safety;
296 (c) Does not suffer from a physical infirmity which
297 prevents the safe handling of a stun gun, pistol or revolver;
298 (d) Is not ineligible to possess a firearm by virtue of
299 having been convicted of a felony in a court of this state, of any
300 other state, or of the United States without having been pardoned
301 for same, unless that pardon expressly provides that the person
302 may not ship, transport, possess or receive firearms. A
303 conviction that has been expunged pursuant to state law shall not
304 be considered a conviction for purposes of this subsection;
305 (e) Does not chronically or habitually abuse controlled
306 substances to the extent that his normal faculties are impaired.
307 It shall be presumed that an applicant chronically and habitually
308 uses controlled substances to the extent that his faculties are
309 impaired if the applicant has been voluntarily or involuntarily
310 committed to a treatment facility for the abuse of a controlled
311 substance or been found guilty of a crime under the provisions of
312 the Uniform Controlled Substances Law or similar laws of any other
313 state or the United States relating to controlled substances
314 within a three-year period immediately preceding the date on which
315 the application is submitted;



316 (f) Does not chronically and habitually use alcoholic
317 beverages to the extent that his normal faculties are impaired.
318 It shall be presumed that an applicant chronically and habitually
319 uses alcoholic beverages to the extent that his normal faculties
320 are impaired if the applicant has been voluntarily or
321 involuntarily committed as an alcoholic to a treatment facility or
322 has been convicted of two (2) or more offenses related to the use
323 of alcohol under the laws of this state or similar laws of any
324 other state or the United States within the three-year period
325 immediately preceding the date on which the application is
326 submitted;

327 (g) Desires a legal means to carry a stun gun,
328 concealed pistol or revolver to defend himself;

329 (h) Has not been adjudicated mentally incompetent, or
330 has waited five (5) years from the date of his restoration to
331 capacity by court order;

332 (i) Has not been voluntarily or involuntarily committed
333 to a mental institution or mental health treatment facility unless
334 he possesses a certificate from a psychiatrist licensed in this
335 state that he has not suffered from disability for a period of
336 five (5) years;

337 (j) Has not had adjudication of guilt withheld or
338 imposition of sentence suspended on any felony unless three (3)
339 years have elapsed since probation or any other conditions set by
340 the court have been fulfilled;



341 (k) Is not a fugitive from justice; and

342 (l) Is not disqualified to possess a weapon based on
343 federal law.

344 (3) The Department of Public Safety may deny a license if
345 the applicant has been found guilty of one or more crimes of
346 violence constituting a misdemeanor unless three (3) years have
347 elapsed since probation or any other conditions set by the court
348 have been fulfilled or expunction has occurred prior to the date
349 on which the application is submitted, or may revoke a license if
350 the licensee has been found guilty of one or more crimes of
351 violence within the preceding three (3) years. The department
352 shall, upon notification by a law enforcement agency or a court
353 and subsequent written verification, suspend a license or the
354 processing of an application for a license if the licensee or
355 applicant is arrested or formally charged with a crime which would
356 disqualify such person from having a license under this section,
357 until final disposition of the case. The provisions of subsection
358 (7) of this section shall apply to any suspension or revocation of
359 a license pursuant to the provisions of this section.

360 (4) The application shall be completed, under oath, on a
361 form promulgated by the Department of Public Safety and shall
362 include only:

363 (a) The name, address, place and date of birth, race,
364 sex and occupation of the applicant;



365 (b) The driver's license number or social security
366 number of applicant;

367 (c) Any previous address of the applicant for the two
368 (2) years preceding the date of the application;

369 (d) A statement that the applicant is in compliance
370 with criteria contained within subsections (2) and (3) of this
371 section;

372 (e) A statement that the applicant has been furnished a
373 copy of this section and is knowledgeable of its provisions;

374 (f) A conspicuous warning that the application is
375 executed under oath and that a knowingly false answer to any
376 question, or the knowing submission of any false document by the
377 applicant, subjects the applicant to criminal prosecution; and

378 (g) A statement that the applicant desires a legal
379 means to carry a stun gun, concealed pistol or revolver to defend
380 himself.

381 (5) The applicant shall submit only the following to the
382 Department of Public Safety:

383 (a) A completed application as described in subsection
384 (4) of this section;

385 (b) A full-face photograph of the applicant taken
386 within the preceding thirty (30) days in which the head, including
387 hair, in a size as determined by the Department of Public Safety,
388 except that an applicant who is younger than twenty-one (21) years
389 of age must submit a photograph in profile of the applicant;



390 (c) A nonrefundable license fee of Eighty Dollars
391 (\$80.00). Costs for processing the set of fingerprints as
392 required in paragraph (d) of this subsection shall be borne by the
393 applicant. Honorably retired law enforcement officers, disabled
394 veterans and active duty members of the Armed Forces of the United
395 States shall be exempt from the payment of the license fee;

396 (d) A full set of fingerprints of the applicant
397 administered by the Department of Public Safety; and

398 (e) A waiver authorizing the Department of Public
399 Safety access to any records concerning commitments of the
400 applicant to any of the treatment facilities or institutions
401 referred to in subsection (2) and permitting access to all the
402 applicant's criminal records.

403 (6) (a) The Department of Public Safety, upon receipt of
404 the items listed in subsection (5) of this section, shall forward
405 the full set of fingerprints of the applicant to the appropriate
406 agencies for state and federal processing.

407 (b) The Department of Public Safety shall forward a
408 copy of the applicant's application to the sheriff of the
409 applicant's county of residence and, if applicable, the police
410 chief of the applicant's municipality of residence. The sheriff
411 of the applicant's county of residence and, if applicable, the
412 police chief of the applicant's municipality of residence may, at
413 his discretion, participate in the process by submitting a
414 voluntary report to the Department of Public Safety containing any



415 readily discoverable prior information that he feels may be
416 pertinent to the licensing of any applicant. The reporting shall
417 be made within thirty (30) days after the date he receives the
418 copy of the application. Upon receipt of a response from a
419 sheriff or police chief, such sheriff or police chief shall be
420 reimbursed at a rate set by the department.

421 (c) The Department of Public Safety shall, within
422 forty-five (45) days after the date of receipt of the items listed
423 in subsection (5) of this section:

424 (i) Issue the license;

425 (ii) Deny the application based solely on the
426 ground that the applicant fails to qualify under the criteria
427 listed in subsections (2) and (3) of this section. If the
428 Department of Public Safety denies the application, it shall
429 notify the applicant in writing, stating the ground for denial,
430 and the denial shall be subject to the appeal process set forth in
431 subsection (7); or

432 (iii) Notify the applicant that the department is
433 unable to make a determination regarding the issuance or denial of
434 a license within the forty-five-day period prescribed by this
435 subsection, and provide an estimate of the amount of time the
436 department will need to make the determination.

437 (d) In the event a legible set of fingerprints, as
438 determined by the Department of Public Safety and the Federal
439 Bureau of Investigation, cannot be obtained after a minimum of two



440 (2) attempts, the Department of Public Safety shall determine
441 eligibility based upon a name check by the Mississippi Highway
442 Safety Patrol and a Federal Bureau of Investigation name check
443 conducted by the Mississippi Highway Safety Patrol at the request
444 of the Department of Public Safety.

445 (7) (a) If the Department of Public Safety denies the
446 issuance of a license, or suspends or revokes a license, the party
447 aggrieved may appeal such denial, suspension or revocation to the
448 Commissioner of Public Safety, or his authorized agent, within
449 thirty (30) days after the aggrieved party receives written notice
450 of such denial, suspension or revocation. The Commissioner of
451 Public Safety, or his duly authorized agent, shall rule upon such
452 appeal within thirty (30) days after the appeal is filed and
453 failure to rule within this thirty-day period shall constitute
454 sustaining such denial, suspension or revocation. Such review
455 shall be conducted pursuant to such reasonable rules and
456 regulations as the Commissioner of Public Safety may adopt.

457 (b) If the revocation, suspension or denial of issuance
458 is sustained by the Commissioner of Public Safety, or his duly
459 authorized agent pursuant to paragraph (a) of this subsection, the
460 aggrieved party may file within ten (10) days after the rendition
461 of such decision a petition in the circuit or county court of his
462 residence for review of such decision. A hearing for review shall
463 be held and shall proceed before the court without a jury upon the
464 record made at the hearing before the Commissioner of Public



465 Safety or his duly authorized agent. No such party shall be
466 allowed to carry a stun gun, concealed pistol or revolver pursuant
467 to the provisions of this section while any such appeal is
468 pending.

469 (8) The Department of Public Safety shall maintain an
470 automated listing of license holders and such information shall be
471 available online, upon request, at all times, to all law
472 enforcement agencies through the Mississippi Crime Information
473 Center. However, the records of the department relating to
474 applications for licenses to carry stun guns, concealed pistols or
475 revolvers and records relating to license holders shall be exempt
476 from the provisions of the Mississippi Public Records Act of 1983,
477 and shall be released only upon order of a court having proper
478 jurisdiction over a petition for release of the record or records.

479 (9) Within thirty (30) days after the changing of a
480 permanent address, or within thirty (30) days after having a
481 license lost or destroyed, the licensee shall notify the
482 Department of Public Safety in writing of such change or loss.
483 Failure to notify the Department of Public Safety pursuant to the
484 provisions of this subsection shall constitute a noncriminal
485 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
486 be enforceable by a summons.

487 (10) In the event that a stun gun, concealed pistol or
488 revolver license is lost or destroyed, the person to whom the
489 license was issued shall comply with the provisions of subsection



490 (9) of this section and may obtain a duplicate, or substitute
491 thereof, upon payment of Fifteen Dollars (\$15.00) to the
492 Department of Public Safety, and furnishing a notarized statement
493 to the department that such license has been lost or destroyed.

494 (11) A license issued under this section shall be revoked if
495 the licensee becomes ineligible under the criteria set forth in
496 subsection (2) of this section.

497 (12) (a) No less than ninety (90) days prior to the
498 expiration date of the license, the Department of Public Safety
499 shall mail to each licensee a written notice of the expiration and
500 a renewal form prescribed by the department. The licensee must
501 renew his license on or before the expiration date by filing with
502 the department the renewal form, a notarized affidavit stating
503 that the licensee remains qualified pursuant to the criteria
504 specified in subsections (2) and (3) of this section, and a full
505 set of fingerprints administered by the Department of Public
506 Safety or the sheriff of the county of residence of the licensee.
507 The first renewal may be processed by mail and the subsequent
508 renewal must be made in person. Thereafter every other renewal
509 may be processed by mail to assure that the applicant must appear
510 in person every ten (10) years for the purpose of obtaining a new
511 photograph.

512 (i) Except as provided in this subsection, a
513 renewal fee of Forty Dollars (\$40.00) shall also be submitted
514 along with costs for processing the fingerprints;



515 (ii) Honorably retired law enforcement officers,
516 disabled veterans and active duty members of the Armed Forces of
517 the United States shall be exempt from the renewal fee; and

518 (iii) The renewal fee for a Mississippi resident
519 aged sixty-five (65) years of age or older shall be Twenty Dollars
520 (\$20.00).

521 (b) The Department of Public Safety shall forward the
522 full set of fingerprints of the applicant to the appropriate
523 agencies for state and federal processing. The license shall be
524 renewed upon receipt of the completed renewal application and
525 appropriate payment of fees.

526 (c) A licensee who fails to file a renewal application
527 on or before its expiration date must renew his license by paying
528 a late fee of Fifteen Dollars (\$15.00). No license shall be
529 renewed six (6) months or more after its expiration date, and such
530 license shall be deemed to be permanently expired. A person whose
531 license has been permanently expired may reapply for licensure;
532 however, an application for licensure and fees pursuant to
533 subsection (5) of this section must be submitted, and a background
534 investigation shall be conducted pursuant to the provisions of
535 this section.

536 (13) No license issued pursuant to this section shall
537 authorize any person to carry a stun gun, concealed pistol or
538 revolver into any place of nuisance as defined in Section 95-3-1,
539 Mississippi Code of 1972; any police, sheriff or highway patrol



540 station; any detention facility, prison or jail; any courthouse;
541 any courtroom, except that nothing in this section shall preclude
542 a judge from carrying a concealed weapon or determining who will
543 carry a concealed weapon in his courtroom; any polling place; any
544 meeting place of the governing body of any governmental entity;
545 any meeting of the Legislature or a committee thereof; any school,
546 college or professional athletic event not related to firearms;
547 any portion of an establishment, licensed to dispense alcoholic
548 beverages for consumption on the premises, that is primarily
549 devoted to dispensing alcoholic beverages; any portion of an
550 establishment in which beer or light wine is consumed on the
551 premises, that is primarily devoted to such purpose; any
552 elementary or secondary school facility; any junior college,
553 community college, college or university facility unless for the
554 purpose of participating in any authorized firearms-related
555 activity; inside the passenger terminal of any airport, except
556 that no person shall be prohibited from carrying any legal firearm
557 into the terminal if the firearm is encased for shipment, for
558 purposes of checking such firearm as baggage to be lawfully
559 transported on any aircraft; any church or other place of worship,
560 except as provided in Section 45-9-171; or any place where the
561 carrying of firearms is prohibited by federal law. In addition to
562 the places enumerated in this subsection, the carrying of a stun
563 gun, concealed pistol or revolver may be disallowed in any place
564 in the discretion of the person or entity exercising control over



565 the physical location of such place by the placing of a written
566 notice clearly readable at a distance of not less than ten (10)
567 feet that the "carrying of a pistol or revolver is prohibited."
568 No license issued pursuant to this section shall authorize the
569 participants in a parade or demonstration for which a permit is
570 required to carry a stun gun, concealed pistol or revolver.

571 (14) A law enforcement officer as defined in Section 45-6-3,
572 chiefs of police, sheriffs and persons licensed as professional
573 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
574 1972, shall be exempt from the licensing requirements of this
575 section. The licensing requirements of this section do not apply
576 to the carrying by any person of a stun gun, pistol or revolver,
577 knife, or other deadly weapon that is not concealed as defined in
578 Section 97-37-1.

579 (15) Any person who knowingly submits a false answer to any
580 question on an application for a license issued pursuant to this
581 section, or who knowingly submits a false document when applying
582 for a license issued pursuant to this section, shall, upon
583 conviction, be guilty of a misdemeanor and shall be punished as
584 provided in Section 99-19-31, Mississippi Code of 1972.

585 (16) All fees collected by the Department of Public Safety
586 pursuant to this section shall be deposited into a special fund
587 hereby created in the State Treasury and shall be used for
588 implementation and administration of this section. After the
589 close of each fiscal year, the balance in this fund shall be



590 certified to the Legislature and then may be used by the
591 Department of Public Safety as directed by the Legislature.

592 (17) All funds received by a sheriff or police chief
593 pursuant to the provisions of this section shall be deposited into
594 the general fund of the county or municipality, as appropriate,
595 and shall be budgeted to the sheriff's office or police department
596 as appropriate.

597 (18) Nothing in this section shall be construed to require
598 or allow the registration, documentation or providing of serial
599 numbers with regard to any stun gun or firearm.

600 (19) Any person holding a valid unrevoked and unexpired
601 license to carry stun guns, concealed pistols or revolvers issued
602 in another state shall have such license recognized by this state
603 to carry stun guns, concealed pistols or revolvers. The
604 Department of Public Safety is authorized to enter into a
605 reciprocal agreement with another state if that state requires a
606 written agreement in order to recognize licenses to carry stun
607 guns, concealed pistols or revolvers issued by this state.

608 (20) The provisions of this section shall be under the
609 supervision of the Commissioner of Public Safety. The
610 commissioner is authorized to promulgate reasonable rules and
611 regulations to carry out the provisions of this section.

612 (21) For the purposes of this section, the term "stun gun"
613 means a portable device or weapon from which an electric current,
614 impulse, wave or beam may be directed, which current, impulse,



615 wave or beam is designed to incapacitate temporarily, injure,
616 momentarily stun, knock out, cause mental disorientation or
617 paralyze.

618 (22) (a) From and after January 1, 2016, the Commissioner
619 of Public Safety shall promulgate rules and regulations which
620 provide that licenses authorized by this section for honorably
621 retired law enforcement officers and honorably retired
622 correctional officers from the Mississippi Department of
623 Corrections shall (i) include the words "retired law enforcement
624 officer" on the front of the license, and (ii) that the license
625 itself have a red background to distinguish it from other licenses
626 issued under this section.

627 (b) An honorably retired law enforcement officer and
628 honorably retired correctional officer shall provide the following
629 information to receive the license described in this section: (i)
630 a letter, with the official letterhead of the agency or department
631 from which such officer is retiring, which explains that such
632 officer is honorably retired, and (ii) a letter with the official
633 letterhead of the agency or department, which explains that such
634 officer has completed a certified law enforcement training
635 academy.

636 (23) A disabled veteran who seeks to qualify for an
637 exemption under this section shall be required to provide, as
638 proof of service-connected disability, verification from the
639 United States Department of Veterans Affairs. A Veterans Health



640 Identification Card issued by the United States Department of
641 Veterans Affairs indicating a service-connected disability is
642 sufficient proof.

643 (24) A license under this section is not required for a
644 loaded or unloaded pistol or revolver to be carried upon the
645 person in a sheath, belt holster or shoulder holster or in a
646 purse, handbag, satchel, other similar bag or briefcase or fully
647 enclosed case if the person is not engaged in criminal activity
648 other than a misdemeanor traffic offense, is not otherwise
649 prohibited from possessing a pistol or revolver under state or
650 federal law, and is not in a location prohibited under subsection
651 (13) of this section.

652 **SECTION 4.** Section 45-9-171, Mississippi Code of 1972, is
653 amended as follows:

654 45-9-171. (1) This section shall be known and may be cited
655 as the "Mississippi Church Protection Act."

656 (2) (a) The governing body of any church or place of
657 worship may establish a security program by which designated
658 members are authorized to carry firearms for the protection of the
659 congregation of the church or place of worship, including
660 resisting any unlawful attempt to commit a violent felony listed
661 in Section 97-3-2(1) upon a member or other attendee in the church
662 or place of worship or on the immediate premises thereof. A
663 church or place of worship may establish a security program that
664 meets the requirements of subsection (2) (b) of this section, and a



665 member of the security program shall be immune from civil
666 liability for any action taken by a member of the security program
667 if the action in question occurs during the reasonable exercise of
668 and within the course and scope of the member's official duties as
669 a member of the security program for the church or place of
670 worship. For purposes of this section, "church" or "place of
671 worship" means only a bona fide duly constituted religious
672 society, ecclesiastical body, or any congregation thereof.

673 (b) In order to be eligible for the immunity provided
674 in this section:

675 (i) The program at a minimum must require that
676 each participant of the program who is not a Mississippi certified
677 law enforcement officer or other person authorized to carry
678 firearms under Section 97-37-7(2) possesses a firearms permit
679 issued under Section 45-9-101 and has completed an instructional
680 course in the safe handling and use of firearms as described in
681 Section 97-37-7. The program may also include one or more persons
682 with law enforcement or military background who may assist the
683 church or place of worship in training of the members of the
684 program;

685 (ii) The names of the members designated by the
686 church or place of worship to serve in the security program must
687 be spread upon the minutes of the body or otherwise noted in
688 writing at the time of the member's designation if the body does
689 not maintain minutes, and this written record must be made



690 available to law enforcement upon request during the course of
691 investigation after an incident in which the member used a firearm
692 while acting as a member of the security program; and

693 (iii) The member of the program who is claiming
694 immunity under the provisions of this section must have met the
695 requirements of this paragraph (b).

696 (3) A person who is indicted or charged with a violation of
697 criminal law while acting as a member of a security program of a
698 church or place of worship may assert as a defense, in addition to
699 any other defense available, that at the time of the action in
700 question, the person was a member of a church body or place of
701 worship security program, was then actually engaged in the
702 performance of the person's duties as a member of the program, and
703 had met the requirements of this section at the time of the action
704 in question.

705 **SECTION 5.** This act shall take effect and be in force from
706 and after July 1, 2018.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE MISSISSIPPI SCHOOL SAFETY ACT; TO AMEND
2 SECTION 97-37-7, MISSISSIPPI CODE OF 1972, TO CLARIFY WHEN A
3 PERSON WHO HAS AN ENHANCED FIREARMS LICENSE MAY CARRY SUCH FIREARM
4 ON PUBLIC PROPERTY; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF
5 1972, TO CREATE AN APPEAL PROCESS; TO AMEND SECTION 45-9-171,
6 MISSISSIPPI CODE OF 1972, TO REVISE "THE MISSISSIPPI CHURCH
7 PROTECTION ACT"; AND FOR RELATED PURPOSES.

